



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,714	10/22/2001	Thomas S. Lewis	2398	4445

7590 10/21/2005

Beck & Tysver, P.L.L.C.
Suite 100
2900 Thomas Avenue South
Minneapolis, MN 55416-4477

EXAMINER

OUELLETTE, JONATHAN P

ART UNIT PAPER NUMBER

3629

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/016,714		LEWIS, THOMAS S.	
	Examiner		Art Unit	
	Jonathan Ouellette		3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

CC

DETAILED ACTION

Response to Amendment

1. Claims 4-10 have been added; therefore Claims 1-10 are now pending in application 10/016,714.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim 1-10 is rejected under 35 U.S.C. 102(e) as being anticipated by Vidalí (US 2004/0143450 A1).**
4. As per independent Claim 1, Vidalí discloses a method for aggregating and displaying data comprising: a) collecting data at a first and second business (Agents), transfer from LSS to CSS); b) presenting the collected data to a central server system (Para 0072, Agent adds listings to MLS database); c) aggregating the data from the first and second businesses at the central server system into an aggregated data collection (Para 0050, Para 0071, Central Server, MLS/listings Database); d) presenting a portion of the aggregated data collection to each business as an aggregated data portion defined in a mark-up

language (Para 0050-0055, Agent Workspace); receiving the mark-up language defining the aggregated data portion at a first and second web server operated for the first and second businesses (Para 0050-0055), respectively, without altering the mark-up language defining the aggregated data portion; receiving a user request from user browsers at both the first and second web server; transmitting pages to the user browsers in response to the user requests, the pages containing the unaltered aggregated data portion as received from the central server system, with the page from the first web server also containing information about the first business and the page from the second web server also containing information about the second business (Para 0050-0055, workspace contains unique information Workspace;).

5. As per Claim 2, Vidali does not expressly show wherein the aggregated data portion is integrated with information about the first business by the first web server placing the aggregated data portion within its own HTML frame.
6. As per Claim 3, Vidali does not expressly show wherein the aggregated data portion is integrated with information about the second business by the second web server placing the aggregated data portion within a cell of an HTML table.
7. As per Claim 4, Vidali discloses wherein the aggregated data portion contains mechanisms to select, search, and sort the portion of the aggregated data.
8. As per Claim 5, Vidali discloses wherein the aggregated data portion contains all of the aggregated data collection.
9. As per Claim 6, Vidali discloses wherein the aggregated data collection contains identifying information that identifies the business that originated elements of the

aggregated data, and wherein the aggregated data portion does not include any identifying information that identifies the business that originated elements of the aggregated data.

10. As per Claim 7, Vidali discloses wherein the aggregated data portion is received by a first user from the first web browser, and where the aggregated data portion described an item for sale from the second business but does not identify the second business.
11. As per Claim 8, Vidali discloses wherein the first and second businesses are brokers who sell items owned by third parties for a commission.
12. As per Claim 9, Vidali discloses wherein the items are real estate.
13. As per Claim 10, Vidali discloses wherein the mark-up language is chosen from the set comprising XML and HTML.

Response to Arguments

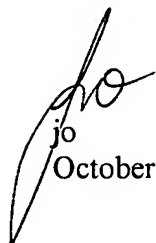
14. Applicant's arguments filed 8/4/04, with respect to Claims 1-10, have been considered but are moot in view of the new ground(s) of rejection.
15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
16. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

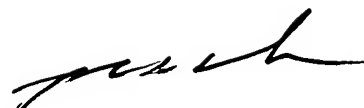
Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
18. Additional Literature has been referenced on the attached PTO-892 form, and the Examiner suggests the applicant review these documents before submitting any amendments.
19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662 ((571) 272-6807 effective April 13, 2005). The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned (703) 872-9306 for all official communications.
21. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

Art Unit: 3629

A handwritten signature in black ink, appearing to be "jo", written over the date.

October 13, 2005

A handwritten signature in black ink, appearing to be "John G. Weiss", written above the printed name.

JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600